

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of
Empowering Parents and Protecting
Children in an Evolving Media
Landscape

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MB Docket NO. 09-194

To: The Commission

COMMENTS FROM WI-LAN INC.

Wi-LAN Inc. (V-chip division) is pleased to make comment in response to the Notice of Inquiry adopted by the Commission on October 22, 2009 requesting information, data and recommendations to enable parents and children to navigate the electronic media landscape safely and successfully.

Summary and Introduction

Wi-LAN Inc. (“Wi-LAN”), headquartered in Ottawa, Canada has been involved in technology innovation since 1992 and holds patents related to V-chip technology and licenses these patents to consumer electronics companies.

V-chip technology required in the United States allows parents to control programming for their children. The technology as described by the Advanced Television Systems Committee (ATSC)¹ and CEA/CEB12A Recommended Practice allows for a variety of rating tables and the ability to modify those tables or create entirely new tables to allow maximum flexibility and innovation for future generations.

In that light Wi-LAN respectfully offers comment in the following areas outlined by the Commission:

¹ ATSC A65C referenced in the Code of Federal Regulations Section 15.120 (d)

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I. Issues for Comment

1. Role of V-chip in an evolving media landscape

In modern television, V-chip is one of the few devices available to help parents deal with the effects of programming on children in their formative years. V-chip has become synonymous with parental control since its introduction to the marketplace a decade ago and, as a result of the DTV Transition, is the only advanced parental control technology available to virtually every American parent today.² In the area of television technology V-chip is a universally available technology that is effective in helping parents to control television programming. Its increasing availability over the last decade can provide a roadmap for successful implementation of products to assist parents in controlling newer

² FCC "Report" 09-69 "The V-chip is the only advanced blocking technology available to the 11 percent of TV households that exclusively rely on over-the-air broadcast service..."

technologies, and V-chip flexibility allows it to keep pace with the changing landscape the Commission is presently investigating.

2. Accessibility to parental control

- **Television** leads the way in both concern about inappropriate material and in providing parental control. This may be in part because a reported 98 percent of homes in the United States have at least one television, a claim that cannot be made for any technology other than radio. Many children have televisions in their bedrooms, and virtually every technology-use survey shows children spend more time using television than using any other medium.³
- **Music** is a major force in the lives of most children, particularly in their teen years, however parental content control is generally confined to pocketbook control at the retail level.
- **The Internet** has a great variety of parental control capabilities. One innovative approach³ provides for a virtual computer to be used by 2 to 7 year olds complete with parent chosen websites to surf, and email capability for children not yet able to read or write. Such a solution would clearly not work for high school students using the computer to find information for homework assignments.
- **Video Game** parental control is available, both at the retail level, and in gaming machines and internet gaming. User function parallels V-chip, and like V-chip, results are only as good as the ratings embedded in the game. The fact that video-games ratings provide options different from television ratings, movie ratings or internet rating services contributes to perceived parental confusion.

³ Kaiser Family Foundation Generation M² January 2010 “Thus, even in this new media world, television viewing-in one form or another- continues to dominate media consumption, taking up 4½ hours a day in young peoples lives”

³ www.kidoscomputer.com

- **MPAA** movie ratings are the veterans of this field, and provide valuable information for parents regarding movies at the theatre, at retail/rental outlets, and on television.
- **Cell phone** parental control is relatively new, however cell phones are extremely popular with children. Companies⁴ provide services that restrict call time, and can disable the phone during classroom hours, or prevent texting while driving. One company can even block out the phone if the user disables the preset parental controls. While smart phones are not yet widely used by children, primarily because of cost, they will present new and as yet unexplored challenges in the future.

3. **One size fits all solution**

It becomes readily apparent that within some of the many media platforms available to children, parents may want to choose from a variety of possibilities in order to find the best solution from what's offered in that media. In television and in video games one solution can span all age groups; while there can be vastly different solutions for internet use based on age and usage. It is unlikely that any attempt to impose one solution on such a diverse media group could provide the parental control that each medium is capable of providing on its own.

4. **V-chip - the new technology**

V-chip first provided parental control based on TV Parental Guidelines, and MPAA ratings in analog television in 1999 and by January 2000 all televisions with screens 13 inches and larger were required to include the technology. In the past decade millions of parents have come to rely on the technology and/or the associated ratings to make choices

⁴ www.protector.com by Taser, www.txtblocker.com and others

on the suitability of programming for their children. The digital television transition provided millions of over-the-air older TV households with V-chip for the first time - courtesy of the National Telecommunications and Information Administration's (NTIA) digital to analog set top box coupon program which concluded in 2009.

The Commission's V-chip requirements for digital television⁵ provide flexible V-chip technology that has yet to be used. Today V-chip can lay claim to a virtually instant free upgrade in millions of homes across America. As many as 46.2 million⁶ FCC certified digital to analog converter boxes have been imported to the United States.

DisplaySearch, a market research company based in Austin Texas, statistics show that in the period January 1, 2007 to December 31, 2009 a total of 114,818,300 televisions were shipped into the North American market⁷ of which 102,188,280 were offered for sale in the United States. The company projects that between January 1, 2010, and December 31, 2013 television sales⁸ in the North American market will be 179,299,000 of which more than 160 million will be sold in the United States.

5. V-chip universality

Given our understanding that all NTIA coupon eligible digital to analog converters have flexible V-chip capability (part of the FCC certification) and our assumption that digital televisions sold beginning more than 8 months after the start of the FCC requirement for downloadability, do in fact have that feature as specified in CFR 15.120, therefore as of December 31, 2009 at least 148,390,000 digital television receivers⁹ have the capability

⁵ FCC 04-192 "Accordingly, to ensure the ability to modify the content advisory system, receivers must be able to process newer RRT version numbers or use new rating region codes as suggested by ATSC."

⁶ Statistics from Digital Tech Consulting reported by Twice news service December 1, 2009

⁷ DisplaySearch qualifies North American market as Canada and the United States. The company estimates the United States makes up 89% of the market

⁸ Televisions 10 inches and larger.

⁹ DVR with ATSC tuner, computers with ATSC tuners, set top boxes which require monthly fees have not been included in this number. Televisions sold between March 15, 2006 (when the downloadable V-chip mandate took effect) and December 31, 2006 have not been included in this number

of providing consumers with new or revised rating systems. The number of download capable digital television receivers is increasing by approximately 3,300,000 per month. By January 1, 2014, more than 300,000,000 digital television receivers will be in market to provide consumers with new or improved rating capability.

6. Non standard and voluntary V-chip capability

In the Commission's Report to Congress question was raised about the emerging market for televisions which are less than 13 inches and not covered by legislation¹⁰. When the legislation was passed, analog televisions smaller than 13 inches were in limited supply and not generally popular.

In the early stages of the DTV transition, manufacturers concentrated on full size televisions. Today more than 30 brands of portable digital televisions less than 13 inches in size are being offered for sale, some of them marketed as ideal televisions for children. Wi-LAN has taken up the Commission request for information on the voluntary availability of V-chip in these pint-sized DTVs.

Wi-LAN investigated 26 portable models under 13 inches (including 4 for which the brand included owner's manual download from the Internet and which clearly showed TV Parental Guidelines and MPAA rating capability, and the capability to download new ratings).

22 models were tested in the Wi-LAN lab for V-chip capability. Of the 22, only three (3) provided present day ratings (TV Parental Guidelines and MPAA), two of the three provided the capability to download new ratings, and one unit which included a DVD player provided DVD ratings, but no TV Parental Guidelines or MPAA rating capability. 18 units did not provide any parental control capability.

¹⁰ FCC 09-26 Footnote 20

Notes on the testing:

- Two well known Internet e-commerce websites promoted 7 inch televisions with V-chip when in fact the units did not have that feature¹¹
- One 7 inch portable DTV which did have TV Parental Guidelines and MPAA ratings when tested two years ago has removed the capability
- One set included an owner's manual which claimed a V-chip capability but indicated that not all sets had this capability. The one tested did not.
- Two of the sets tested included V-chip buttons on the remote control (two television brands are now including V-chip buttons on models)

Most electronics retailers offer a choice of several brands, sizes and features on their e-commerce websites, and this new emerging market is likely to become more complicated later this year when mobile ATSC-MH televisions are offered for sale in the marketplace.

A sizeable number of set top boxes are deployed using ATSC tuners to augment satellite coverage and some other TV tuner products do not provide for automatic download of new ratings as suggested in ATSC A65C. In the aftermarket USB tuner and tuner card market there has been considerable progress in the past year in provision of basic TV Parental Guidelines and MPAA rating capability, and in the ability to download new ratings in supplied product software. Testing is still underway and there is still some inconsistency¹² but it appears, given the move to DTV convergence that this market segment can and will dramatically increase the number of consumers who would be able to take advantage of any new or improved ratings offered in the future.

¹¹ Not unexpected since many believe all televisions have V-chip. A news story by reporter Barbara Simmons posted on Washingtonpost.com January 27, 2010 claimed "...parents and teachers can use the V-chip in televisions large and small to keep sexually and violently explicit content at bay."

¹² One USB TV tuner purchased and tested in 2010 did not include V-chip or an ATSC digital television tuner

7. V-chip capability to improve and streamline technology

Wi-LAN has consistently maintained that digital downloadable V-chip technology is a blank canvas with the capability to be populated. We do note with interest a variety of commenters and coalitions who have offered various possibilities.

On July 23, 2009 Wi-LAN provided Commission members with a demonstration of downloadable V-chip capability in blocking inappropriate commercial content.¹³

Any improvements to the present rating system would have to be transmitted by television stations according to the Commission's requirements.¹⁴

8. V-chip capability in assisting parents to positively provide pathways to select programming

In a similar manner, programs can be assigned ratings or codes that can be filtered by the V-chip to assist parents in selecting educational or other programs of interest for their children. We note that a variety of commenters and organizations have offered various so-called "whitelisting" possibilities in this regard. We are hopeful V-chip will ultimately increase the amount of educational programming and content available to all children, and enhance the ability of parents to pick and choose.

II. Recommendations

Consistent with our belief that V-chip capability in digital television receivers is a blank canvas that can be populated to create the best benefit for children, continuing lab testing convinces us that, with transmission capability by broadcasters, and implementation according to ATSC standards by digital television receiver manufacturers, new or

¹³ Wi-LAN ExParte MB 03-15 July 24, 2009

¹⁴ FCC 04-192 paragraph 152 and footnote 354

improved ratings can be provided, and can be updated from time to time to more than 140-million digital television receivers now in the marketplace¹⁵.

A potential 300-million receivers¹⁶ with this capability will be in the marketplace by 2014. Those numbers do not include:

- Digital video recorders with ATSC tuners for which market numbers are not readily available
- Digital television receivers built into, or attached to computers after market
- Set top boxes generally requiring monthly payment to retain service which do not download from PSIP found in live broadcast¹⁷
- Televisions under in the under 13 inch category¹⁸ some of which are specifically marketed to children

Should a decision be made to provide new or improved V-chip ratings to assist parents in providing the media landscape they chose for their home, implementation will be easiest in those devices which follow ATSC PSIP guidelines.

A new system that could be translated for use in multiple platforms providing a more consistent user interface and standardized rating tables for, television, cable, satellite, music, internet, smart-phones and other devices might be very helpful in reducing parental rating overload.

Given the assumption by many consumers that all TVs have V-chip, voluntary compliance in the less than 13 inch DTV category to provide consistency in parental control across all TV screen sizes would be of assistance to consumers.

¹⁵ Including those attached to cable boxes which adhere to the agreement reached between CEA and the NCTA to allow cable box pass through of PSIP. See News Release Feb. 23, 2000.

¹⁶ DVR's with ATSC tuners, after market computer TV tuners and under 13 inch TVs with basic V-chip and download capability are not included in this figure

¹⁷ ATSC A65C page 10, paragraph 1.1.1 footnote 2, page 38 paragraph 6.4 pages 38, 39, 40, 41

¹⁸ DisplaySearch Marketing reports televisions 10 inches and larger. 23 of the 26 televisions investigated by Wi-LAN were 9 inches or smaller.

In the meantime, consumers would be better served if signs or promotional materials directed them to the less than 13 inch category TVs that do include the expected V-chip capability, particularly in cases where the TVs are marketed as child friendly.

In the interests of promoting the use of V-chip there seems little evidence that manufacturers are disadvantaged by adding a V-chip button to the remote control.

Retailers should be encouraged to promote TVs with this feature, and manufacturers should be encouraged to emulate those manufacturers who are attempting to positively assist their customers in finding and using the parental control features included in their products.

III. Conclusion

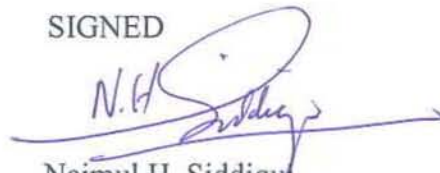
Wi-LAN appreciates the opportunity in this Notice of Inquiry to provide comment and promise continuing support in the use of V-chip technology. Professor Tim Collings, the inventor of the Technology and a consultant to Wi-LAN Inc. continues to work with various standards committees, as he has done for more than a decade.

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